

Message

**From:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Sent:** 1/31/2018 2:27:48 PM  
**To:** McDavit, Michael W. [Mcdavit.Michael@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]  
**Subject:** weekly talking points - 1/31/18

404 Assumption:

- Articles in paper – **Ex. 5 Deliberative Process (DP)**
    - [http://www.tampabay.com/news/environment/Gov-Rick-Scott-s-DEP-wants-to-take-over-issuing-federal-wetland-permits\\_164779154](http://www.tampabay.com/news/environment/Gov-Rick-Scott-s-DEP-wants-to-take-over-issuing-federal-wetland-permits_164779154)
  - MI – State Senate has passed bills, SB 0652 and 0653, which would amend rulemaking and permit appeal statutes affecting state programs including EPA approved CWA sections 402 and 404; delegated air programs and impact MI's efforts to take on the UIC program. **Ex. 5 Deliberative Process (DP)**
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- ESA – FDEP and some constituents want EPA to conduct section 7 ESA consultation on state 404 permits which we review (have not waived review). **Ex. 5 Deliberative Process (DP)**
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- Assumable waters
    - R4, FDEP and Jacksonville district are meeting concerning FL's efforts to assume. Unclear what **Ex. 5 Deliberative Process (DP)**
    - Receiving many inquiries from tribes and states regarding status of action on FACA recommendations.
  - Lawsuits –
    - Menominee – still awaiting assignment of DOJ attorney
    - CR595 – no decision from the courts yet
  - Call with IN about assumption requirements 2/1/18.

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